



City of El Paso – City Plan Commission Staff Report

Case No: PZST14-00020
Application Type: Special Permit
CPC Hearing Date: July 17, 2014
Staff Planner: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Location: 9325 Milpas Lane
Legal Description: Lot 4, Block 29, Colonia Del Valle Unit Two, City of El Paso, El Paso County, Texas
Acreage: 0.1377 acres
Rep District: 6
Zoning: R-3/sc (Residential/special contract)
Existing Use: Single-family dwelling
C/SC/SP/ZBA/LNC: SC: Ordinance No. 5020 dated March 12, 1973 (see Attachment #4)
Request: Infill Development - request reduced lot size, rear yard, and cumulative front & rear yard setbacks total
Proposed Use: Expansion of single-family dwelling

Property Owner: Jessica Nuno
Representative: Eric Madrigal

SURROUNDING ZONING AND LAND USE

North: R-3/sc (Residential/special contract) / Single-family dwelling
South: R-3/sc (Residential/special contract) / Single-family dwelling
East: R-3/sc (Residential/special contract) / Single-family dwelling
West: R-3/sc (Residential/special contract) / Single-family dwelling

PLAN EL PASO DESIGNATION: G-3, Post-War (Mission Valley Planning Area)

NEAREST PARK: Pecan Grove #1 Park (1,903 feet)

NEAREST SCHOOL: LeBarron Park Elementary School (2,044 feet)

NEIGHBORHOOD ASSOCIATIONS

There are no registered neighborhood associations in the area. This was verified through Community Development Department data on recognized neighborhood associations.

CASE HISTORY

On March 12, 1973, the subject property was rezoned from R-F (Ranch and Farm) to R-3 (Residential) to permit for residential developments. The following conditions were imposed by special contract Ordinance No. 5020 dated March 12, 1973 (see Attachment #4):

1. *Prior to the issuance of building permits for construction on the property, First Party will, at no cost to the City, do the followings:*
 - a. *First Party will dedicated as a public street a 90-foot wide strip of land for an extension of Betel Drive. Such strip shall extend from the northwesterly property line to the southeasterly corner of the property and shall be dedicated in accordance with an alignment to be approved by the City Engineer of the City of El Paso.*
 - b. *First Party will construct a structure to carry the Juan de Herrera Lateral under Belen Drive including engineering, contingencies, installation of street paving over the structure and extension of street paving to connect with existing*

pavement on Betel Drive. Such construction shall be done in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and must be accepted by him upon completion. Second Party will use its best efforts to obtain contribution of one-half the total cost of construction of such improvements from the owners of adjacent property on the opposite side of the Juan de Herrera Lateral, but does not warrant that such contribution will be made.

Condition 1.a. and b. above have been satisfied.

2. *Prior to the issuance of certificates of occupancy and compliance for any buildings constructed on the property, First Party will sell to the Ysleta Independent School District a school site of a size and location satisfactory to the School District.*

On May 30, 1978 the City Council released condition 2 by Resolution.

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 2, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the special permit request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit for infill development and detailed site development plan review. The detailed site development plan shows a new 303 sq. ft. front yard addition to an existing 1,548 sq. ft. one-story single-family dwelling and a 357 sq. ft. rear yard den addition. The existing 357 sq. ft. den addition in the rear yard was built without permit. The applicant is requesting the following reductions: from the required lot size 6,000 sq. ft. to 5,998.21 sq. ft., from the required 20-foot rear yard setback to 9 feet and from the required 50-foot cumulative front and rear yard setback to 35 feet. The request does not meet any of the requirements of the special exceptions to qualify for the Zoning Board of Adjustment (ZBA) as the existing addition in the rear yard is larger than the ZBA can authorize and it has not existed more than 15 years to qualify for 15 years or more exception. The owner needs a special permit to legalize the existing addition in the rear yard prior to get a building permit for the proposed new addition in the front yard. Access to the subject property is proposed from Milpas Lane.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of the requests for special permit and detailed site development plan review for infill development. The development meets the requirements of Sections 20.10.280, Infill Development, 20.04.320, Special Permit, and 20.04.150, Detailed Site Development Plan.

ANALYSIS

20.10.280 Infill Development

The provisions of this section apply to any property designated with an overlay designation to encourage redevelopment and infill development, the specific purposes of which are to: provide a more flexible approach to design and development of infill projects, encourage infill development by simplifying procedures for plan approval, permit the conversion or adaptive reuse of buildings and properties, encourage planning and design flexibility and innovations, create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses, and assure community compatibility and an efficient use of land and public services. In order to provide incentives for private investment in these targeted areas, the following standards shall apply:

- A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax

increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

This development meets the two location criteria: (1) it is located in a legally recorded subdivision of at least 30 years and (2) it is within a State Enterprise Zone.

- B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

There is no specific plan area adopted by City Council. A single-family dwelling is permitted in the R-3 (Residential) district.

- C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

The applicant is requesting the following reductions in dimensional standards:

DIMENSION	REQUIRED	PROPOSED
Lot size	6,000 sq. ft.	5,998.21 sq. ft.
Rear	20 ft.	9 ft.
Cumulative front & rear yard total	50 ft.	35 ft.

- E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The proposed development is compatible with existing development.

- G. Density. The maximum number of dwelling units per gross acre permitted in the base-zoning district may be increased up to fifty percent for an infill development as approved by city council.

The application is requesting an expansion to an existing single-family dwelling.

- H. Lots. There shall be no minimum area requirement for lots within an infill development unless otherwise provided in the ordinance designating the infill development overlay.

The applicant is requesting lot size and setback reductions but complies with all other density and dimensional standards.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
 - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
 - 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
 - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
 - 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 - 5. The design of the proposed development mitigates substantial environmental problems;
 - 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 - 7. The proposed development is compatible with adjacent structures and uses;
 - 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets the requirements for special permit.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for

development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
 4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
 5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all requirements of Sections 20.04.320, Special Permit, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the R-3 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections.

Note:

All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department – Plan Review

No objections.

City Development Department - Landscaping Division

Not required for the existing single-family dwelling use.

City Development Department - Land Development

No objections.

Fire Department

Recommend APPROVAL of Site Plan as presented.

Police Department

El Paso Police Department has no issues with this request.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU does not object to this request.

Water:

2. There is an existing 6-inch diameter water main extending along Milpas Lane that is available for service, the water main is located approximately 10-ft east from the center line of the right-of-way.

3. EPWU records indicate an active 3/4-inch water serving the subject property. The service address for this meter is 9325 Milpas Lane.

4. Previous water pressure tests from fire hydrant # 4616 located at the northeast corner of Milpas Lane and Agua Prieta Drive have yielded a static pressure of 108 (psi) pounds per square inch, a residual pressure of 98 (psi) pounds per square inch, and a discharge of 1061 (gpm) gallons per minute.

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 8-inch diameter sanitary sewer main extending along Milpas Lane that is available for service, the sewer main is located approximately 5-ft west from the center line of the right-of-way.

General:

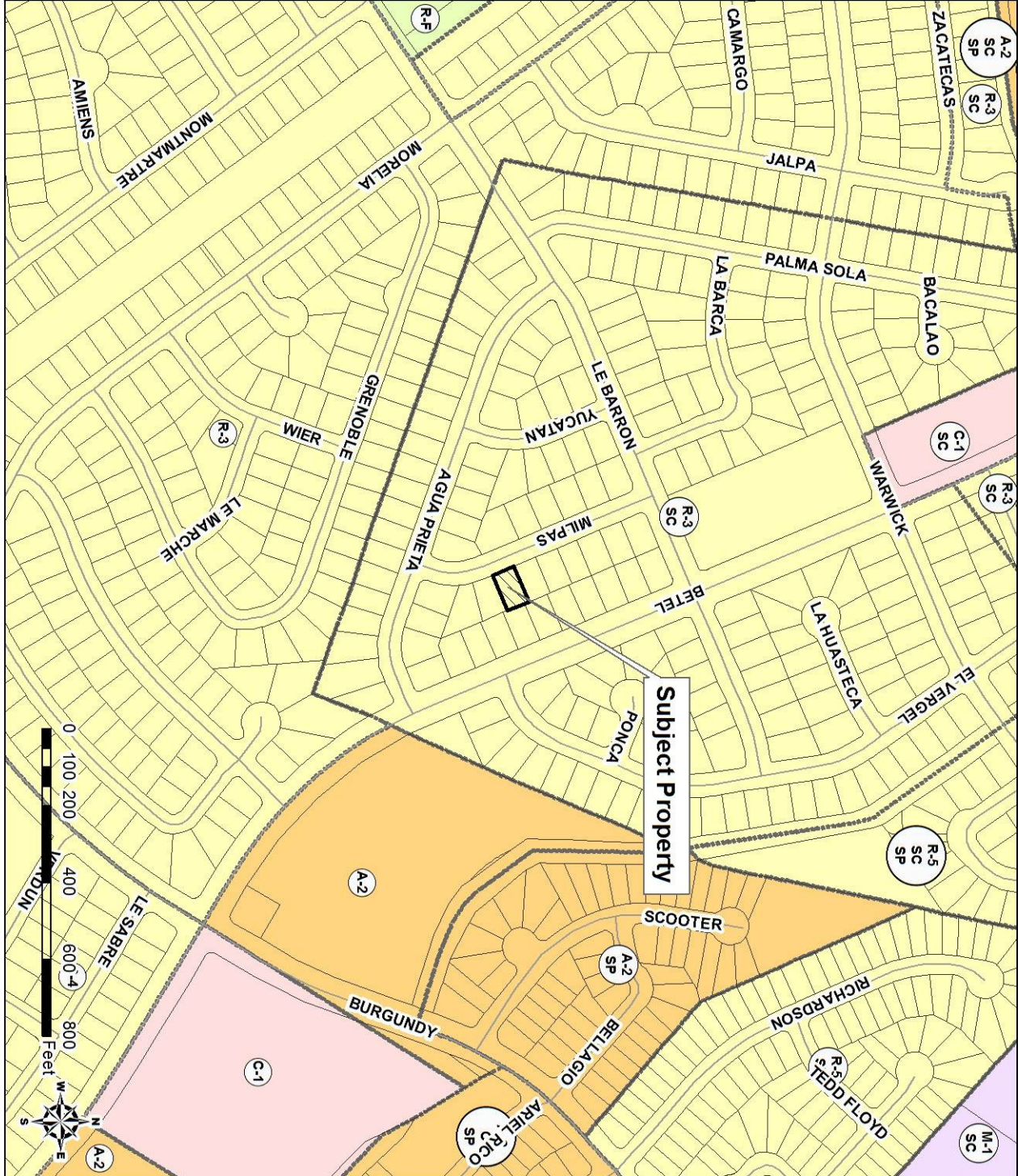
7. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 5020 dated March 12, 1973
5. Subdivision Plat

ATTACHMENT 1: ZONING MAP

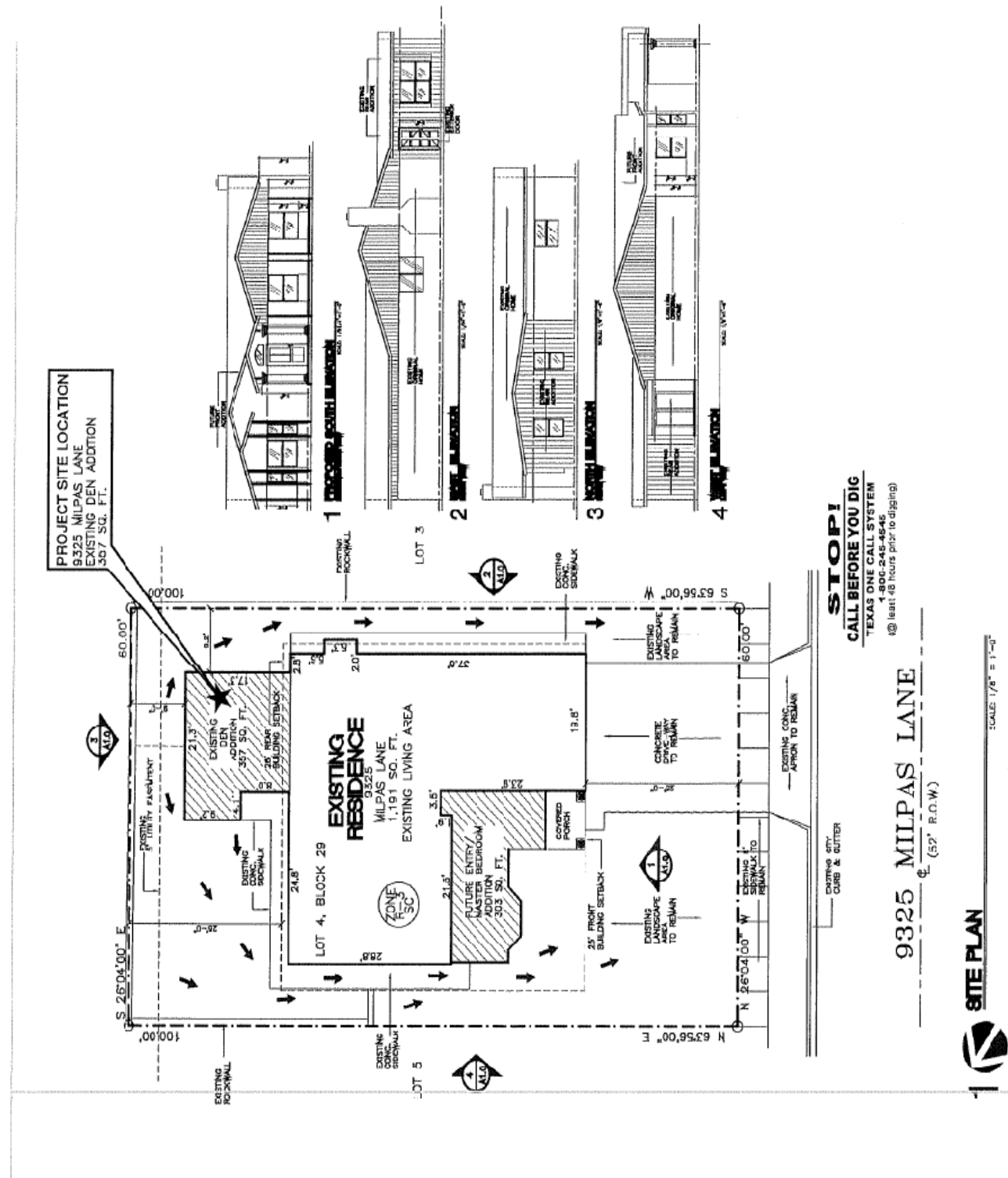
PZST14-00020



PZST14-00020



July 17, 2014



ATTACHMENT 4: ORDINANCE NO. 5020, DATED MARCH 12, 1973

AN ORDINANCE CHANGING THE ZONING
OF TRACT 3, BLOCK 5, YSLETA GRANT,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Tract 3, Block 5, Ysleta Grant, as more particularly described by metes and bounds, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel 1
To R-3:

Being the description of 86.368 acres of land described as Tract 3, Block 5, Ysleta Grant, City of El Paso, El Paso County, Texas and being more fully described by metes and bounds as follows:

Beginning at a concrete monument at the northerly point of Tract 3, Block 5, Ysleta Grant, the northeast corner of Tract 4B said Block 5 and lying in the southerly line of Tract 16, Block 55, Ysleta Grant;

Thence South 32° 57' East a distance of 810.04 feet along the common boundary between said Block 5 and said Block 55 to a point;

Thence South 64° 27' East a distance of 533.27 feet along the common line between said Block 5 and said Block 55 to a point;

Thence South 31° 42' East a distance of 265.28 feet along the common line between said Blocks 5 and 55 to a point;

Thence South 04° 02' East a distance of 302.30 feet along the common line between said Blocks 5 and 55 to a point;

Thence South 8° 30' 40" West a distance of 826.08 feet to a point;

Thence South 20° 05' West a distance of 1152.02 feet to a point for the southeast corner of said Tract 3;

Thence North 73° 29' West a distance of 1471.75 feet to a point for the southwest corner of said Tract 3;

Thence North 6° 53' East a distance of 1511.0 feet to a point on the northerly line of the Juan de Herrera Lateral;

Thence North 77° 55' East a distance of 462.0 feet along the northerly line of the Juan de Herrera Lateral to a point;

Thence North 67° 25' East a distance of 224.5 feet along the northerly line of the Juan de Herrera Lateral to a point;

Thence North 0° 03' East a distance of 1237.3 feet to the point of beginning.

*NOTE: The R-3 legal description includes all of Tract 3, Block 5, Ysleta Grant, the 10-1 parcel is also included in the description. There shall be 86.368 acres of R-3 and 3.632 acres of 6-1 for the total 86.368 acres. *Ref: Ord. 5020**

Corrected

122.3687 * LESS PARCEL 2 WHICH
-1- IS DESCRIBED IN PAGE
2 17.0

To C-1:

Being a description of 157,930.64 square feet of land out of Tract 3, Block 5, Ysleta Grant, El Paso County, Texas and being more fully described by metes and bounds as follows:

Beginning at a point on the southerly line of the Juan de Herrera Lateral, said point bears South 57° 23' 20" West a distance of 260.34 feet from the most southeasterly corner of Pecan Grove Subdivision Unit 2;

Thence 141.81 feet along the southerly line of the Juan de Herrera Lateral being a curve to the left, said curve having a radius of 573.44 feet, a central angle of 14° 10' 09" and a long chord bearing North 70° 24' 28" East a distance of 141.45 feet to a point;

Thence North 62° 57' 38" East a distance of 113.67 feet along the southerly line of the Juan de Herrera Lateral to a point;

Thence a distance of 387.40 feet along a curve to the right, said curve being the southerly line of the Juan de Herrera Lateral and having a central angle of 78° 42' 40", a radius of 282.00 feet and a long chord which bears South 77° 41' 02" East a distance of 357.65 feet to a point;

Thence South 38° 19' 42" East a distance of 36.77 feet along the southerly line of the Juan de Herrera Lateral to a point;

Thence South 50° 28' West a distance of 509.11 feet to a point;

Thence North 39° 32' West a distance of 414.23 feet to a point on the southerly line of the Juan de Herrera Lateral;

Thence North 77° 55' East a distance along the southerly line of the Juan de Herrera Lateral of 50.71 feet to the point of beginning.

PASSED AND APPROVED this 15th day of August, 1973.

1973.

ATTEST:

R. H. Stabel
City Clerk

[Signature]
Mayor

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED:
COUNTY _____
ORIGINAL _____
CONTROL _____

I certify that the zoning map has been revised to
reflect the amendment of ordinance _____
Date _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:


That the Mayor be authorized to sign a contract with The Home Mortgage Company of El Paso, placing certain restrictions on property rezoned by Ordinance No. 5000.

ADOPTED this 15 day of March, 1973.



Mayor

ATTEST:



City Clerk

RECEIVED
MAR 19 1973
CITY PLANNING

CONTRACT

This contract, made this 12 day of MARCH, 1973, by and between ~~THE~~ HOME MORTGAGE COMPANY OF EL PASO, a corporation, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Tract 3, Block 5, Ysleta Grant in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5020, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it will be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of building permits for construction on the property, First Party will, at no cost to the City, do the following:

(a) First Party will dedicate as a public street a 90-foot wide strip of land for an extension of Betel Drive. Such strip shall extend from the northwesterly property line to the southeasterly corner of the property and shall be dedicated in accordance with an alignment to be approved by the City Engineer of the City of El Paso.

(b) First Party will construct a structure to carry the Juan de Herrera Lateral under Betel Drive including engineering, contingencies, installation of street paving over the structure and extension of street paving to connect with existing pavement on Betel Drive. Such construction shall be done in accordance with plans and specifications to be approved by the City Engineer of the City of El Paso and must be accepted by him upon completion. Second Party will use its best efforts to obtain contribution of one-half the total cost of construction of such improvements from the owners of adjacent property on the opposite side of the Juan de Herrera Lateral, but does not warrant that such contribution will be made.

Relinquished by
Resolution of
May 30, 1978

2. Prior to the issuance of certificates of occupancy and compliance for any buildings constructed on the property, First Party will sell to the Ysleta Independent School District a school site of a size and location satisfactory to the School District.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seals:

~~First~~ HOME MORTGAGE COMPANY OF
EL PASO, a corporation

by

W. L. Sullivan
President

ATTEST:

Maule Paulsen
ast. Secretary

THE CITY OF EL PASO

by

J. R. ...
Mayor

ATTEST:

R. A. ...
City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared W. G. SULLIVAN, President of ~~HOME~~ HOME MORTGAGE COMPANY OF EL PASO, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 12th day of March, 1973.

In and for the State of Texas,
My commission expires June 1, 1973

Mary E. Young
Notary Public, El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared BERT WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 15th day of March, 1973.

Billie Jean Brankson
Notary Public, El Paso County, Texas.

AN ORDINANCE CHANGING THE ZONING
OF TRACT 3, BLOCK 5, YSLETA GRANT,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-10 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Tract 3, Block 5, Ysleta Grant, as more particularly described by metes and bounds, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

To R-3:

Being the description of 86.868 acres of land described as Tract 3, Block 5, Ysleta Grant, City of El Paso, El Paso County, Texas and being more fully described by metes and bounds as follows:

Beginning at a concrete monument at the northerly point of Tract 3, Block 5, Ysleta Grant, the northeast corner of Tract 4B said Block 5 and lying in the southerly line of Tract 16, Block 55, Ysleta Grant;

Thence South $32^{\circ} 57'$ East a distance of 810.04 feet along the common boundary between said Block 5 and said Block 55 to a point;

Thence South $64^{\circ} 27'$ East a distance of 539.27 feet along the common line between said Block 5 and said Block 55 to a point;

Thence South $31^{\circ} 42'$ East a distance of 265.28 feet along the common line between said Blocks 5 and 55 to a point;

Thence South $04^{\circ} 02'$ East a distance of 302.30 feet along the common line between said Blocks 5 and 55 to a point;

Thence South $8^{\circ} 30' 40''$ West a distance of 826.08 feet to a point;

Thence South $20^{\circ} 05'$ West a distance of 1152.02 feet to a point for the southeast corner of said Tract 3;

Thence North $73^{\circ} 29'$ West a distance of 1471.75 feet to a point for the southwest corner of said Tract 3;

Thence North $6^{\circ} 53'$ East a distance of 1511.0 feet to a point on the northerly line of the Juan de Herrera Lateral;

Thence North $77^{\circ} 55'$ East a distance of 462.0 feet along the northerly line of

To C-1:

Being a description of 157,980.64 square feet of land out of Tract 3, Block 5, Ysleta Grant, El Paso County, Texas and being more fully described by metes and bounds as follows:

Beginning at a point on the southerly line of the Juan de Herrera Lateral, said point bears South $57^{\circ} 23' 20''$ West a distance of 260.34 feet from the most southeasterly corner of Pecan Grove Subdivision Unit 2;

Thence 141.81 feet along the southerly line of the Juan de Herrera Lateral being a curve to the left, said curve having a radius of 573.44 feet, a central angle of $14^{\circ} 10' 09''$ and a long chord bearing North $70^{\circ} 24' 28''$ East a distance of 141.45 feet to a point;

Thence North $62^{\circ} 57' 38''$ East a distance of 113.67 feet along the southerly line of the Juan de Herrera Lateral to a point;

Thence a distance of 387.40 feet along a curve to the right, said curve being the southerly line of the Juan de Herrera Lateral and having a central angle of $78^{\circ} 42' 40''$, a radius of 282.00 feet and a long chord which bears South $77^{\circ} 41' 02''$ East a distance of 357.65 feet to a point;

Thence South $38^{\circ} 19' 42''$ East a distance of 36.77 feet along the southerly line of the Juan de Herrera Lateral to a point;

Thence South $50^{\circ} 28'$ West a distance of 509.11 feet to a point;

Thence North $39^{\circ} 32'$ West a distance of 414.23 feet to a point on the southerly line of the Juan de Herrera Lateral;

Thence North $77^{\circ} 55'$ East a distance along the southerly line of the Juan de Herrera Lateral of 50.71 feet to the point of beginning.

PASSED AND APPROVED this 10th day of March,

1973.

ATTEST:

R. H. Stahl
City Clerk

[Signature]
Mayor

PARTIAL RELEASE

THE STATE OF TEXAS)
COUNTY OF EL PASO)

WHEREAS, by contract dated March 12, 1973, between HOME MORTGAGE COMPANY OF EL PASO, a corporation, and the CITY OF EL PASO, recorded in Book 441, page 0024 of the Deed Records of El Paso County, Texas, certain restrictions, conditions and covenants were placed on Tract 3, Block 5, Ysleta Grant in the City of El Paso, El Paso County, Texas, to which contract reference is hereby made for the terms and conditions thereof and for a metes and bounds description of said property; and

WHEREAS, the City Council of the City of El Paso has determined that the provisions of paragraph 2 of the contract are no longer necessary and should be released;

NOW THEREFORE, the City of El Paso has released and by these presents hereby releases Home Mortgage Company of El Paso, a corporation, its successors and assigns, and the above described property from the restrictions, conditions and covenants contained in paragraph 2 of the above contract, such paragraph reading as follows:

2. Prior to the issuance of certificates of occupancy and compliance for any buildings constructed on the property, First Party will sell to the Ysleta Independent School District a school site of a size and location satisfactory to the School District.

This is, however, a partial release only and the restrictions, conditions and covenants contained in the remaining paragraphs of said contract shall remain in full force and effect.

WITNESS the following signatures and seal this 30 day of

Mary, 1978.

THE CITY OF EL PASO

By [Signature]

Mayor [Signature]

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared Dan M. Ponder, Mayor Pro Tem of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 31 day of May, 1978.

L. Alicia Vidal
Notary Public in and for El Paso
County, Texas.
L. ALICIA VIDAL, Notary Public
In and for the County of El Paso, Texas
My Commission Expires 4/30/79

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a Contract Amendment between the City of El Paso and Home Mortgage Company of El Paso amending Contract dated March 12, 1973.

ADOPTED this 30th day of September, 1980.

ATTEST:

W. R. ...

City Clerk

Samuel D. ...

Mayor
City Clerk

CONTRACT AMENDMENT

This Contract Amendment, made this 3rd day of September, 1980, by and between HOME MORTGAGE COMPANY OF EL PASO, a corporation, First Party, and the CITY OF EL PASO, Second Party, WITNESSETH:

1. By Contract dated March 12, 1973, recorded in Vol. 441, p. 0025 of the El Paso County Deed Records, First and Second Parties placed certain restrictions, conditions and covenants on Tract 3, Block 5, Ysleta Grant in the City of El Paso, El Paso County, Texas. Reference is hereby made to such Contract for the provisions thereof and for a metes and bounds description of the property. Such Contract was partially released by an instrument dated May 30, 1978 and recorded in Vol. 901, p. 0014 of the El Paso County Deed Records. First and Second Parties now desire to amend said Contract as hereinafter provided.

2. In consideration of the premises, the parties agree that the provisions of Paragraph 1 be and are hereby amended to the extent they are inconsistent with the following:

(a) Second Party will no longer condition the issuance of building permits on the construction of the box culvert to carry the Juan de Herrera Lateral under Betel Drive, but will not issue certificates of occupancy for work completed under said building permits until the completion of the box culvert and of such other provisions as may remain under the contract, as partially released.

WITNESS the following signatures and seals:

WITNESS THAT THE FOLLOWING ZONING MAPS
ARE ON FILE IN THE CITY OF EL PASO

→ ZONING
→ ZONING
→ ZONING

Attest:
10-13-80

Wanda Paulsen
Secretary

Attest:

W. K. Rogers
City Clerk
Ord. 5020 (3/12/73)
73-3687

HOME MORTGAGE COMPANY OF EL PASO

By [Signature]
President

CITY OF EL PASO

By Thomas D. Westfall
Mayor

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

73-3687

1-1980

PLANNING

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared William G. Sullivan, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said HOME MORTGAGE COMPANY OF EL PASO, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this 24th day of September, 1980.

My commission expires:

8-16-81

Laura Leigh Minjares
NOTARY PUBLIC in and for
El Paso County, Texas
LAURA LEIGH MINJARES, Notary Public
Is and for the County of El Paso, Texas
My commission expires 8-16-81

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Thomas D. Wofford, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CITY OF EL PASO, a municipal corporation, and that he executed the same as the act of such City for the purposes and consideration therein expressed, and in the capacity therein stated.

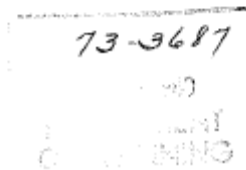
Given under my hand and seal of office, this 30th day of September, 1980.

My commission expires:

ANGELA C. DILLIN, Notary Public
Is and for the County of El Paso, Texas

My commission expires 9/30/80

Angela C. Dillin
NOTARY PUBLIC in and for
El Paso County, Texas



ATTACHMENT 5: SUBDIVISION PLAT

